

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Floyd Steven Collins, Jr., #5253-K)	
)	
Plaintiff,)	
)	Civil Action No.: 0:06-391
vs.)	
)	
South Carolina Department of Corrections,)	
)	
Defendant.)	
_____)	

ORDER

On February 24, 2006, the plaintiff filed the instant *pro se* action pursuant to 42 U.S.C. § 1983. (Doc.#1). This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Bristow Marchant, to whom this case had previously been assigned. (Doc. #5). In the Report, Magistrate Judge Marchant recommends that the District Court dismiss the complaint *without prejudice* and without issuance and service of process because the defendant is immune from suit under 42 U.S.C. § 1983 under the Eleventh Amendment to the United States Constitution. The plaintiff filed no objections to the Report.

This Court is charged with conducting a de novo review of any portion of the Magistrate Judge’s Report and Recommendation to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that report. 28 U.S.C. § 636. In the absence of objections to the Report and Recommendation of the Magistrate Judge, this Court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The Court has carefully reviewed the Magistrate Judge's Report and Recommendation. For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that the Magistrate Judge's Report and Recommendation is **ACCEPTED** (Doc. #5) and the plaintiff's complaint dismissed.

IT IS SO ORDERED.

S/Terry L. Wooten

Terry L. Wooten
United States District Judge

May 4, 2007
Florence, South Carolina